

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference  15228-9PCT	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No.  PCT/CA 03/01217	International filing date (day/month/year)  11/08/2003	(Earliest) Priority Date (day/month/year)  16/08/2002
Applicant  ORTHOSOFT INC.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

**4. With regard to the title,**

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established by this Authority to read as follows:

**5. With regard to the abstract,**

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

**6. The figure of the drawings to be published with the abstract is Figure No.**

- ☒ as suggested by the applicant. ☐ None of the figures.
- ☐ because the applicant failed to suggest a figure.
- ☐ because this figure better characterizes the invention.

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/CA 03/007

**A. CLASSIFICATION OF SUBJECT MATTER**  
 IPC 7 A61B19/00

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6 351 659 B1 (VILSMEIER STEFAN) 26 February 2002 (2002-02-26) abstract column 5, line 39 - line 65 column 7, line 21 - line 35; figures 1,4 ---	1,7
X	US 6 161 032 A (ACKER DAVID E) 12 December 2000 (2000-12-12) column 2, line 64 - column 3, line 2 column 13, line 27 - line 47; figure 6 ---	2
X	WO 99 38449 A (COSMAN ERIC R) 5 August 1999 (1999-08-05) page 20, line 1 - line 5; figure 6 --- -/--	1

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

\* Special categories of cited documents:

\*A\* document defining the general state of the art which is not considered to be of particular relevance

\*E\* earlier document but published on or after the international filing date

\*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

\*O\* document referring to an oral disclosure, use, exhibition or other means

\*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\*&\* document member of the same patent family

Date of the actual completion of the international search

16 February 2004

Date of mailing of the international search report

23/02/2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
 NL - 2280 HV Rijswijk  
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
 Fax: (+31-70) 340-3016

Authorized officer

Moers, R

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/CA 03/0007

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6 332 891 B1 (HIMES DAVID M) 25 December 2001 (2001-12-25) abstract column 14, line 57 -column 15, line 11; figure 12 ----	1
X	WO 01 67979 A (BROSSEAU ERIC ;ORTHOSOFT INC (CA); COTE GABRIEL (CA); JANSEN HERBE) 20 September 2001 (2001-09-20) abstract page 5, line 20 - line 31; figures 1,2 ----	2
P,X	WO 02 100284 A (AHMED SYED NADEEM ;VOLUME INTERACTIONS PTE LTD (SG); KOCKRO RALF A) 19 December 2002 (2002-12-19) abstract; figures 1,2,4 -----	1,2,7

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/CA 03/00007

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 6351659	B1	26-02-2002	DE 19639615 A1 09-04-1998
			US 2002095081 A1 18-07-2002
			DE 29623941 U1 09-11-2000
			DE 29522329 U1 28-02-2002
			US 5769861 A 23-06-1998
US 6161032	A	12-12-2000	AU 3197699 A 18-10-1999
			CA 2325540 A1 07-10-1999
			EP 1067863 A1 17-01-2001
			JP 2002509749 T 02-04-2002
			WO 9949783 A1 07-10-1999
WO 9938449	A	05-08-1999	AU 2475799 A 16-08-1999
			CA 2318252 A1 05-08-1999
			EP 1051123 A1 15-11-2000
			WO 9938449 A1 05-08-1999
			US 6675040 B1 06-01-2004
US 6332891	B1	25-12-2001	NONE
WO 0167979	A	20-09-2001	AU 4816101 A 24-09-2001
			WO 0167979 A1 20-09-2001
			CA 2440872 A1 20-09-2001
			EP 1265547 A1 18-12-2002
			JP 2003534035 T 18-11-2003
			US 2003040879 A1 27-02-2003
WO 02100284	A	19-12-2002	WO 02100284 A1 19-12-2002

## PATENT COOPERATION TREATY

OCT 08 2003

7/8/9/10/11/12/1/2/3/4/5 PCT

From the INTERNATIONAL BUREAU

NOTIFICATION OF RECEIPT OF  
RECORD COPY

(PCT Rule 24.2(a))

To:

 OGILVY RENAULT  
 Suite 1600  
 1981 McGill College Avenue  
 Montreal, Québec H3A 2Y3  
 Canada

Date of mailing (day/month/year) 24 September 2003 (24.09.03)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference 15228-9PCT	International application No. PCT/CA03/01217

The applicant is hereby notified that the International Bureau has received the record copy of the international application as detailed below.

Name(s) of the applicant(s) and State(s) for which they are applicants:

ORTHOSOFT INC. (for all designated States except US)  
 JANSEN, Herbert, André (for US)

International filing date : 11 August 2003 (11.08.03)  
 Priority date(s) claimed : 16 August 2002 (16.08.02)  
 Date of receipt of the record copy  
 by the International Bureau : 18 September 2003 (18.09.03)  
 List of designated Offices :

AP : GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW  
 EA : AM, AZ, BY, KG, KZ, MD, RU, TJ, TM  
 EP : AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO, SE, SI, SK, TR  
 OA : BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG  
 National : AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ,  
 EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU,  
 LV, MA, MD, MG, MK, MN, MW, MX, MZ, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ,  
 TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

## ATTENTION

The applicant should carefully check the data appearing in this Notification. In case of any discrepancy between these data and the indications in the international application, the applicant should immediately inform the International Bureau.

In addition, the applicant's attention is drawn to the information contained in the Annex, relating to:

- ☒ time limits for entry into the national phase - see updated important information (as of April 2002)  
☐ confirmation of precautionary designations (if applicable)  
☒ requirements regarding priority documents (if applicable)

A copy of this Notification is being sent to the receiving Office and to the International Searching Authority.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer:  Claudio BORTON (Fax 338-8995)
Facsimile No. (41-22) 338.89.95	Telephone No. (41-22) 338 8491

OGILVY RENAULT  
RECEIVED

PCT/CA03/01217

OCT 29 2003

AM 7/8/9/10/11/12/1/2/3/4/5/6 PM  
PCT

PARIS COOPERATION TREATY

From the INTERNATIONAL BUREAU

**NOTIFICATION CONCERNING  
SUBMISSION OR TRANSMITTAL  
OF PRIORITY DOCUMENT**

(PCT Administrative Instructions, Section 411)

To:

OGILVY RENAULT  
Suite 1600  
1981 McGill College Avenue  
Montreal, Québec H3A 2Y3  
Canada

Date of mailing (day/month/year) 16 October 2003 (16.10.03)	
Applicant's or agent's file reference 15228-9PCT	<b>IMPORTANT NOTIFICATION</b>
International application No. PCT/CA03/01217	International filing date (day/month/year) 11 August 2003 (11.08.03)
International publication date (day/month/year) Not yet published	Priority date (day/month/year) 16 August 2002 (16.08.02)
Applicant ORTHO SOFT INC. et al	

1. The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
3. An asterisk (\*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
4. The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
16 Augu 2002 (16.08.02)	60/403,642	US	10 Octo 2003 (10.10.03)

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

A. LEDO PONTES

Facsimile No. (41-22) 338.89.95

Telephone No. (41-22) 338 7048

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTICE INFORMING THE APPLICANT OF THE  
COMMUNICATION OF THE INTERNATIONAL  
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

To:

OGILVY RENAULT  
Suite 1600  
1981 McGill College Avenue  
Montreal, Québec H3A 2Y3  
CANADA

Date of mailing (day/month/year)

26 February 2004 (26.02.2004)

Applicant's or agent's file reference

15228-9PCT

PTN

IMPORTANT NOTICE

International application No.

PCT/CA2003/001217

International filing date (day/month/year)

11 August 2003 (11.08.2003)

Priority date (day/month/year)

16 August 2002 (16.08.2002)

Applicant

ORTHOSOFT INC. et al

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this notice:

AU, AZ, BY, CH, CN, CO, DZ, EP, HU, JP, KG, KP, KR, MD, MK, MZ, RU, TM, US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:

AE, AG, AL, AM, AP, AT, BA, BB, BG, BR, BZ, CA, CR, CU, CZ, DE, DK, DM, EA, EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, ID, IL, IN, IS, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, SC, SD, SE, SG, SK, SL, SY, TJ, TN, TR, TT, TZ, UA, UG, UZ, VC, VN, YU, ZA, ZM, ZW

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this notice is a copy of the international application as published by the International Bureau on 26 February 2004 (26.02.2004) under No. WO 2004/016178

4. **TIME LIMITS for filing a demand for international preliminary examination and for entry into the national phase**

The applicable time limit for entering the national phase will, subject to what is said in the following paragraph, be 30 MONTHS from the priority date, not only in respect of any elected Office if a demand for international preliminary examination is filed before the expiration of 19 months from the priority date, but also in respect of any designated Office, in the absence of filing of such demand, where Article 22(1) as modified with effect from 1 April 2002 applies in respect of that designated Office. For further details, see *PCT Gazette* No. 44/2001 of 1 November 2001, pages 19926, 19932 and 19934, as well as the *PCT Newsletter*, October and November 2001 and February 2002 issues.

In practice, time limits other than the 30-month time limit will continue to apply, for various periods of time, in respect of certain designated or elected Offices. For regular updates on the applicable time limits (20, 21, 30 or 31 months, or other time limit), Office by Office, refer to the *PCT Gazette*, the *PCT Newsletter* and the *PCT Applicant's Guide*, Volume II, National Chapters, all available from WIPO's Internet site, at <http://www.wipo.int/pct/en/index.html>.

For filing a demand for international preliminary examination, see the *PCT Applicant's Guide*, Volume I/A, Chapter IX. Only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination (at present, all PCT Contracting States are bound by Chapter II).

It is the applicant's sole responsibility to monitor all these time limits.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

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Gijsbertus Beijer - Carlos Roy

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